

### **REMARKS/ARGUMENTS**

Reconsideration is respectfully requested in view of the amendments and remarks herein.

#### **Status of the Claims**

Claims 1-2, 5-7, and 15 are pending in the application. Claims 3-4, 8-14, and 16-19 have been previously cancelled.

#### **Discussion of the Amendments to the Claims**

The claims have been amended to more particularly point out and distinctly claim the subject matter of the present invention. Claim 1 has been amended to delete the recitation of “as racemated or as enantiomeric pure isomers.” Moreover, claim 2 has been amended with regard to form. No new matter has been added by way of the amendments to the claims.

#### **Response to the Rejection under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph**

Claims 1-2, 5-7, and 15 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner has maintained the rejection of record.

To advance prosecution and not in acquiescence of the rejection, claim 1 has been amended to remove the expression “as racemated or as enantiomeric pure isomers.” Indeed, the two stereoisomers which are now within the scope of claim 1 are those of the L,D- and L,L-configurations (the substituted glycine being either of the D or L configuration). These two stereoisomers are not enantiomers. Rather, they are diastereoisomers. The amendment to claim 1 renders the rejection with regard to claim 1 moot.

Claims 2, 5-7, and 15 all depend directly or indirectly from claim 1. Accordingly, the amendment to claim 1 also renders the rejection with regard to claims 2, 5-7, and 15 moot.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

**Concluding Remarks**

Applicants have responded in full to the present Office Action. Favorable action thereon is respectfully solicited.

No fees are deemed due with this submission. However, the Commissioner is hereby authorized to charge payment of any fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. §1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. §1.136.

Should the Examiner have any questions or comments concerning this submission, the Examiner is respectfully invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Andrea M. Wilkovich  
Registration No.: 53,773

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700